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In re Application of
NEVILL, STUART MICHAEL
Application No. 10/526,544
Filed: March 3, 2005
For: **SUSPENSION FOR THE VOICE
COIL OF A LOUDSPEAKER DRIVE
UNIT**

: DECISION GRANTING PETITION
: TO RESET PERIOD FOR REPLY
:
:

This is a decision on the petition filed on October 1, 2007, requesting that the shortened statutory period for reply set forth in the Office communication mailed on March 29, 2007 be reset.

Petitioner alleges non-receipt of the Official action mailed March 29, 2007. In support of the petition, petitioner states the Official Action was returned to the Patent and Trademark Office on April 2, 2007. Petitioner has also provided a statement that the office communication was not received by the petitioner as evidenced by their docket computer indicating that a response was never docketed for June 29, 2007, the date on which a response would have been due. A copy of the docket record where the non-received office communication would have been entered had it been received and docketed was also provided.

A review of the record indicates that the Office action mailed March 29, 2007 was returned to the Patent and Trademark Office by the U.S. Postal Service as undeliverable. This returned mail is *prima facie* evidence of non-receipt of the Office action by applicant. Since applicant has responded to the action (apparently retrieved from the Office's PAIR system), the Office action will not be re-mailed. Applicant responded to the Office action on October 1, 2007.

The petition is **GRANTED**.

The application is being forwarded to the examiner for treatment of applicant's response.

Michael Horabik
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Technology Center 2600
Communications